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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,702	12/29/2000	George A. Durden	BS00155	8399
7590	05/18/2006		EXAMINER	
Scott P Zimmerman PLLC P O Box 3822 Cary, NC 27519			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,702	DURDEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block, (U.S. Pat # 6,675,384), in view of Ming, (U.S. Pat #5,710,815).

Considering claim 1-2, the claimed system for controlling and managing presentation to viewers of programming content, comprising:

‘a receiver adapted to receive a signal corresponding to a program and program control data, the program control data having a format in which a default entry is subsequently followed by a series of data records’, reads on the general information label of Block, Table I. The general information label 220, which is the information, including rating on the overall program, see col. 5, lines 29-37.

Block teaches that the general information labels is followed by multiple frame specific information labels, directed to specific frames or groups of frames, which reads on the claimed “data records”. The claimed ‘series of data records’, reads on the frame specific labels 230, since Block teaches that there may be multiple frame specific labels 230.

As for the further claimed feature of ‘each data record associated with a particular portion of the program, having a linear representation comprising an rating value, content attribute value, a component value, and an action’, frame rating label, percentage levels of content, audio & video category labels, and the audio & video opcodes.

As for the specific feature of a offset time stamp, and ‘wherein the offset time stamp is expressed from start time of the program’ Block discloses a synchronization header that

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is used to sync the portions of the movie, but doesn't specifically discuss the parameters of the synchronization header. Nevertheless, Ming teaches that when filtering movies based on section, it is desirable to identify the sections on a specific time offset, col. 8, lines 29-50. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Block with the feature of time offset stamp at least in order to more specifically filter the program as taught by Ming.

'viewer interface adapted to receive information related to program preferences of a viewer', is met by the disclosure in Block that the user may choose the settings that control whether or not certain programming material is blocked, based on its content rating value, see col. 15, lines 1-12. In particular, the local rating profile in Block, are values generated by local category labels, selected by the user that identify acceptable content levels of categories of program content, such as violence, see col. 12, lines 27-67 thru col. 13, lines 1-22.

'processor adapted to modify the program based on the program control data and to output the modified program for presentation on a display device', reads on the operation of the label interpretation unit 110 & the access control unit 120.

Considering claims 3, 13, 20 & 26, as for the recitation of 'expressed hours, minutes, seconds and frames from start of the program', Official Notice is taken that SMPTE format was well known in the art, which identifies frames by HH:MM:SS:FF. It would have been obvious

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for one of ordinary skill in the art at the time invention was made, to operate the combination of Block & Ming in a manner that the SMPTE code for a frame segment is used, at least for the desirable advantage of compatibility with editing programs that operate using the SMPTE format.

Considering claims 4-5, 14-15 & 27, ‘wherein the component value refers to at least one of the audio and video portion of the program’, Block teaches that the ratings value include an audio or video label that identifies the whether the component to which the rating applies is audio or video, such as VS-0 to VS7, or AS-0 to AS-7, col. 5, lines 41-56, col. 6, lines 22-35.

Considering claims 6 & 23, Official Notice is taken that default settings were known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time invention was made, to operate Block to use default values at least in the instance when the audio & video have the same values.

Considering claim 7, the audio & video opcodes reads on the claimed subject matter, see col. 7, lines 30-34; col. 8, lines 25-67 thru col. 9, lines 1-25.

Considering claims 8 & 28, col. 5, lines 30-32,

Considering claims 9-10, 16-17& 21-22, the claimed subject matter reads on col. 13, lines 21-60.

Considering claim 11-12, 18-19 & 24-25, the claimed method for controlling and managing presentations of programs; method for formulating programming and data describing the programming for delivery; and method for providing dynamic user control over programming; comprises steps that correspond with subject matter mentioned above in the rejection of claim 1, and are likewise analyzed.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ottesen Teaches editing portions of video programs based on ratings.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



REUBEN M. BROWN  
PATENT EXAMINER